

**REMARKS**

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-3, 7-12 and 16-19 were pending in the instant application at the time of the outstanding Office Action. Claims 1, 10 and 19 are independent claims; the remaining claims are dependent claims.

On Tuesday, August 19, 2008 the Applicants conducted a telephone interview with the Examiner in which it was agreed that the amendments presented herein would overcome the rejections of record and appeared to be allowable.

It should be noted that Applicants are not conceding in this application the claims amended herein are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

**Rejections under 35 USC 112**

Claims 1-16 stand rejected under 35 USC 112, second paragraph, as being indefinite. Specifically certain claims contain the language “may be”. This language has been amended to recite “is”. Thus, Applicants respectfully submit that the claims as amended fully comply with 35 USC 112 and therefore request reconsideration and withdrawal of these rejections.

**Rejections under 35 USC 103**

Claims 1-3, 7-12 and 16-19 stand rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 5,721,824 (Taylor) in view of Scholtens et al. (US 2003/0005426 (hereinafter “Scholtens”)) and further in view of Sreenivasa (US Patent No. 5,548,506 (hereinafter “Sreenivasa”)). Applicants respectfully request reconsideration and withdrawal of these rejections.

Although Applicants disagree with the rejections presented in the outstanding Office Action and reserve the right to argue the same should the need to do so arise, the claims have been amended to further expedite the prosecution of this application. Claim 1 has been amended to recite, *inter alia*,

an arrangement for submitting a request for accomplishing a software change to the computer system, *wherein the request for accomplishing a software change describes a task to be done on at least one target system and a deadline by which a change needs to be completed*; an arrangement for constructing a task graph specifying the order in which tasks accomplishing a software change execute on the system in compliance with data and temporal dependency constraints; an arrangement for creating a software package change plan according to the task graph; wherein the arrangement for creating a software package change plan includes an arrangement for determining operating state transitions that are imposed on software artifacts of the system by execution of the tasks; and further comprising an arrangement for analyzing the software package change plan, whereby the duration of a system service outage caused by a change plan is determined; *wherein the software package change plan is used to execute the software change.*

Claim 1 (emphasis added). The remaining independent claims have been similarly amended. Applicants respectfully submit that neither Taylor nor Scholtens nor

Sreenivasa, nor the state of the art, either alone or in any combination, teaches or suggests the express limitations of the claims and therefore do not render the instantly claimed invention obvious under 35 USC 103. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections.

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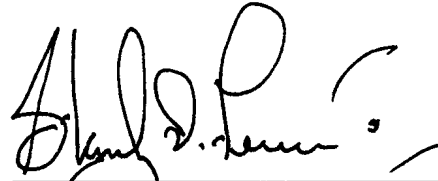
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**Conclusion**

In view of the foregoing, it is respectfully submitted that independent Claims 1, 10 and 19 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1, 10 and 19, it is thus also submitted that Claims 2-3, 7-9, 11-12, and 16-18 are also allowable at this juncture.

In summary, it is respectfully submitted that the instant application, including Claims 1-3, 7-12 and 16-19, is presently in condition for allowance. Notice to that effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stanley D. Ference III', written over a horizontal line.

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